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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,465	10/26/2006	Ingo Drewe	022862-1078	9271
23409 7590 08/12/2009 MICHAEL BEST & FRIEDRICH LLP 100 E WISCONSIN AVENUE Suite 3300 MILWAUKEE, WI 53202			EXAMINER LE, DANG D	
			ART UNIT 2834	PAPER NUMBER
			MAIL DATE 08/12/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/573,465

Applicant(s)

DREWE ET AL.

Examiner

Dang D. Le

Art Unit

2834

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 4, 5, 9 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-8 and 10-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/083)
- Paper No(s)/Mail Date 3/24/06
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claims 4, 5, 9, and 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 7/17/09.
2. Applicant's election with traverse of claims 1-3, 6-8, and 10-19 in the reply filed on 7/17/09 is acknowledged. The traversal is on the ground(s) that "the other species, even if patentably distinct, are so inextricably related to one another that they should continue to be examined in a single application". This is not found persuasive because the search for one species is not required by the others.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 8, 10, 11, 13 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Ooya Ikuo (JP60-237230)

Regarding claim 1, Ooya Ikuo shows a device for maintaining the position of a rotatably or displaceably mounted shaft (1) having a surface, wherein a gripping body

(2) is arranged around the shaft, and said gripping body is impinged upon by a force in order to form a friction closure between the gripping body and the surface of the shaft, characterized in that the force for maintaining the position is provided by an actively actuated control member (15) that is connected at least to one end (13-a) of the gripping body (2).

Regarding claim 8, Ooya Ikuo also shows a disengaging system having a double lift with two control members (14), which simultaneously and deflect at least two ends of the gripping body.

Regarding claim 10, Ooya Ikuo also shows at least one control member executes a linear movement (19, 3-3) or a rotational movement to deflect at least one end.

Regarding claim 11, Ooya Ikuo also shows the friction closure is caused by pulling tight the gripping body by means of the effect of a tensile force or a compressive force (spring) on the ends.

Regarding claim 13, Ooya Ikuo also shows the disengaging system features a restoring element (spring constant), which is arranged in such a way that when the disengaging system is activated a friction closure between the surface and the gripping body (15) is prevented.

Regarding claim 18, Ooya Ikuo also shows the gripping bodies having opposite winding directions and at least one end beginning the winding is connected to at least one end (13-a and 14-a through spring 15) ending the winding by means of the control member and the disengaging system.

5. Claims 1-3, 6, 7, 12, 14-16, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Guthrie (2,500,175).

Regarding claim 1, Guthrie shows a device for maintaining the position of a rotatably or displaceably mounted shaft (12) having a surface (Figure 3), wherein a gripping body (15) is arranged around the shaft, and said gripping body is impinged upon by a force (spring force) in order to form a friction closure between the gripping body and the surface of the shaft (12), characterized in that the force for maintaining the position is provided by an actively actuated control member (11, 23) that is connected at least to one end (at 17) of the gripping body (15).

Regarding claim 2, Guthrie also shows the gripping body being embodied as a wrap-around band or helical spring (15) with at least two ends.

Regarding claim 3, Guthrie also shows at least one of the gripping body (15) and/or the surface (44) of the shaft (11) features a material (metal) with an increased coefficient of adhesive friction, in particular a rubber-like casing.

Regarding claim 6, Guthrie also shows the gripping body being fabricated of round wire (15) or a flat band.

Regarding claim 7, Guthrie also shows the control member being actuated by a disengaging system, which has an electric (22) or pneumatic or hydraulic drive with a lifting magnet (11) or a chemical or shape-memory actuator.

Regarding claim 12, Guthrie also shows at least one end of the gripping body being fastened on a housing part (25) of the shaft bearing.

Regarding claim 14, Guthrie also shows the restoring element being arranged in such a way that when the disengaging system is activated a friction closure between the surface and the gripping body (15) is produced.

Regarding claim 15, Guthrie also shows two disengaging systems (left and right), being arranged next to each other axial to the shaft or in a radial plane.

Regarding claim 16, Guthrie also shows the at least two ends (of spring 15) being impinged upon in such a way by the force in order to form the friction closure, that a resulting radial force is generated, which twists the shaft (12) against a bearing point of the shaft, whereby the shaft (12) is prevented from rotating by means of an additional holding moment.

Regarding claim 19, Guthrie also shows at least one of the gripping body (15) and the surface of the shaft features a material (metal) with an increased coefficient of adhesive friction.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guthrie in view of Preece et al. (4,156,817).

Regarding claim 17, Guthrie shows all of the limitations of the claimed invention except for the gripping body being surrounded radially at least partially by at least one additional gripping body.

Preece et al. shows the gripping body being surrounded radially at least partially by at least one additional gripping body (springs 48 and 51) for the purpose of increasing strength.

Since Guthrie and Preece et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add one more spring as taught by Preece et al. for the purpose discussed above.

Information on How to Contact USPTO

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D. Le whose telephone number is (571) 272-2027. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Quyen Leung can be reached on (571) 272-8188. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dang D Le/
Primary Examiner, Art Unit 2834

8/8/09